

Introduced by Senator Leno

February 18, 2010

An act to add Chapter 5.5 (commencing with Section 108667) to Part 3 of Division 104 of the Health and Safety Code, relating to cellular telephones.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as introduced, Leno. Cell phones: specific absorption rate disclosure.

Existing law regulates the labeling requirements for various consumer products.

This bill would require specific language relating to the specific absorption rate, as defined, to be included at the point of sale, on the exterior packaging, and in the instruction manuals of cellular telephone devices, as defined, that are sold in the State of California.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Four billion people around the globe own cell phones. As
- 4 the market for new devices has grown, so have concerns about the
- 5 safety of cell phone radiation.
- 6 (b) Recent studies find significantly higher risks for brain and
- 7 salivary gland tumors among people using cell phones for 10 years
- 8 or longer. The state of the science is provocative and troubling,
- 9 and much more research is essential.

1 (c) While the science is incomplete about cell phone safety,
2 consumers have a right to know how much radiation their cell
3 phones emit as measured by the specific absorption rate (SAR).

4 (d) Given children's smaller head sizes, they may be more
5 susceptible to radiation effects than adults.

6 (e) More adolescents are using cell phones and hands-free
7 devices as our society becomes more mobile.

8 (f) The SAR values of phones can be confusing and several
9 models have different values for different "modes" of cellular
10 telephone devices.

11 (g) There is growing public concern about the long-term health
12 effects of exposure to cell phone radiation and the effects that
13 radiation can have on both the head and the body.

14 (h) Cell phones are an important tool of communication,
15 especially during times of emergency, and the government should
16 ensure that wireless devices are safe for long-term use.

17 SEC. 2. Chapter 5.5 (commencing with Section 108667) is
18 added to Part 3 of Division 104 of the Health and Safety Code, to
19 read:

20
21 CHAPTER 5.5. CELLULAR TELEPHONE DEVICES

22
23 108667. For purposes of this chapter the following definitions
24 shall apply:

25 (a) "Cellular telephone device" means either a cellular telephone
26 or a hands-free device that emits at least 0.001 W/kg of radiation,
27 including, but not limited to, hands-free devices used in
28 combination with a cellular telephone. "Cellular telephone device"
29 includes products that are shipped from the manufacturer or that
30 have been reconditioned by the manufacturer or someone
31 authorized by the original manufacturer. "Cellular telephone
32 device" does not include products that are sold, either new or used,
33 by a person not authorized by the manufacturer.

34 (b) "Hands-free device" means a wireless device used when
35 placing or receiving a call on a cellular telephone device that emits
36 at least 0.001 W/kg amount of radiation.

37 (c) "Specific absorption rate" or "SAR" means the highest
38 detected value averaged over one gram of tissue in the shape of a
39 cube. The standard unit of peak spatial average SAR is the watt
40 per kilogram (W/kg). The SAR value to be used for disclosure

pursuant to this chapter is the SAR value reported to the Federal Communications Commission (FCC) by the manufacturer.

108667.3. (a) The SAR for a cellular telephone device that is available for purchase by the public in the state shall be prominently displayed by the seller immediately adjacent to the displayed purchase price. This provision applies to both physical retail locations and retailer's Internet Web sites. The following phrase shall be clearly printed: "This device emits radiation. The federal specific absorption rate (SAR; a measure of radiation) limit is _____. This device emits a maximum of _____ when held at the ear and a maximum of _____ when attached to the body."

(b) The retailer for hands-free devices designed to be used with cellular telephone devices shall list the maximum SAR value, as reported to the FCC, when the device is worn as directed by the telephone manufacturer.

108667.5. The following phrase shall be printed on the exterior of the packaging or on a label attached to the exterior packaging of all cellular telephone devices sold in the state: "This device emits radiation. The federal specific absorption rate (SAR; a measure of radiation) limit is _____. This device emits a maximum of _____ when held at the ear and a maximum of _____ when attached to the body."

108667.7. The maximum SAR value, as reported to the FCC by the manufacturer, for each mode of use of the cellular telephone device for the head and body shall be included in all instruction manuals packaged and sold with the cellular telephone device, including the following phrase: "This device emits radiation. The federal specific absorption rate (SAR; a measure of radiation) limit is _____. When used in mode _____ this device emits a maximum of _____ per 1 gram of tissue when held at the head and a maximum of _____ per 1 gram of tissue when attached to the body."